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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,237	04/22/2004	Leonard I. Frenkil	24988-201	7238

33694 7590 04/18/2006

SIDLEY AUSTIN LLP
ATTN: DC PATENT DOCKETING
1501 K STREET, N.W.
WASHINGTON, DC 20005

EXAMINER

KIM, SANG K

ART UNIT PAPER NUMBER

3654

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/829,237	Applicant(s) FRENKIL, LEONARD I.	
	Examiner SANG KIM	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/22/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 10-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thrasher, U.S. Patent No. 3521746.

Regarding claim 1, Thrasher discloses a rolled towel comprising: at least one web of material wound into a roll (see figure 8), wherein said at least one web of material includes a perforation 3 located alternating distances apart 1, 2, see figure 1.

Thrasher discloses many different ways of arranging the rolled towel, especially in figures 5-7, another set of napkin and placemat is arranged on the width direction rather than the length direction with a plurality of perforations.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to place another set of napkin and placemat in the length direction for easier packaging. Also, it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Regarding claims 10 and 18-19, Thrasher discloses a rolled web of material at least one layer thick, wherein said web of material includes a line of weakness 3 located alternating distances apart such that said web of material may be separated at said line of weakness to form alternating sheets, a first sheet roughly the size of a placemat 1 and a second sheet roughly the size of a napkin 2, see figure 1.

Thrasher discloses many different ways of arranging the rolled towel, especially in figures 5-7, another set of napkin and placemat is arranged on the width direction rather than the length direction with a plurality of perforations.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to place another set of napkin and placemat in the length direction for easier packaging. Also, it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Regarding claim 11, as stated above, Thrasher inherently discloses a first distance being within the range of about 14 to 18 inches and a second distance being within the range of about 8 to 12 inches, since a first sheet roughly the size of a placemat 1 (e.g. a standard placement is sized roughly 14 to 18 inches as explained by the applicant's specification on page 4) and a second sheet roughly the size of a napkin 2 (e.g. a standard napkin is sized roughly 8 to 12 inches as explained by the applicant's specification on page 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the size ranges specified in the claims when making the napkin and the placemat, since it would have been well within the level of skill of one skilled in the art to select the claimed dimensions based on considerations such as the material, size of rolled desired, types of persons using the napkin and placemat, etc.

Regarding claims 12-13, 16 and 21-25, as stated above, Thrasher discloses a first web of material 2 is an absorbent material and a second web of material 1 is a substantially more water proof material, see column 2 through column 3.

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Regarding claims 14-15, 17, and 20, as stated above, Thrasher discloses printed material or ornamental coloring design can be placed on the web material, see column 3, lines 15-32.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to print designs along the borders and/or the back side since many variations can be applied to the web and not limited to one particular design.

Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thrasher, U.S. Patent No. 3521746, in view of Thompson, U.S. Patent No. 3921802.

Regarding claim 2, Thrasher does not explicitly show the web material wound around a tube; however, winding any material around any tube is notoriously old and well known for winding any material, including any rolled towel.

Thompson shows a rolled towel wound around a tube 5, see figure 4.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to roll the web material around the tube as taught by Thompson to help package the web material.

Regarding claims 3, 5 and 9, as stated above, Thrasher discloses the web of material is an absorbent material, see column 2, lines 41-43.

Regarding claim 4, as stated above, Thrasher discloses a first web of material 2 is an absorbent material and a second web of material 1 is a substantially more water proof material, see column 2 through column 3.

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Regarding claims 6-8, as stated above, Thrasher discloses printed material or ornamental coloring design can be placed on the web material, see column 3, lines 15-32.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to print designs along the borders and/or the back side since many variations can be applied to the web and not limited to one particular design.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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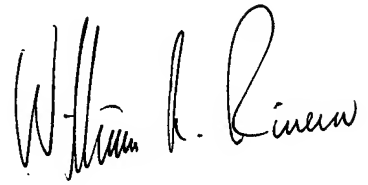
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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

SK

4/14/06

A handwritten signature in black ink, appearing to read "William A. Rivera". The signature is fluid and cursive, with the first name "William" and last name "Rivera" clearly distinguishable.

**WILLIAM A. RIVERA
PRIMARY EXAMINER**